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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **STEPHANIE WILSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15) **COLLECTION PRACTICES ACT**
16)
17 vs.)
18 **UNITED COLLECTION SERVICE,**
19 **INC.,**)
20)
21 Defendant.)
22

23 **NATURE OF ACTION**

24 1. This is an action brought under the Fair Debt Collection Practices
25 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq* and the Telephone Consumer Protection
26 Act ("TCPA"), 47 U.S.C. § 227.
27

28 **JURISDICTION AND VENUE**

1. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28
U.S.C. § 1331.

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake ,WA 99148
509-232-1882
866-565-1327 facsimile
jrobins@AttorneysForConsumers.com

1 3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),
2
3 where the acts and transactions giving rise to Plaintiff's action occurred in this
4 district, (where Plaintiff resides in this district), and/or where Defendant transacts
5 business in this district.

6
7 **PARTIES**

8 4. Plaintiff, Stephanie Wilson ("Plaintiff"), is a natural person who at
9 all relevant times resided in the State of Washington, County of Clallam, and City
10 of Port Angeles.

11
12 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

13
14 6. Defendant, United Collection Service, Inc. ("Defendant") is an entity
15 who at all relevant times was engaged, by use of the mails and telephone, in the
16 business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C.
17 §1692a(5).

18
19 7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

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21 **FACTUAL ALLEGATIONS**

22 8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a
23 debt owed or due, or asserted to be owed or due a creditor other than Defendant.

24
25 9. Plaintiff is a natural person obligated, or allegedly obligated, to pay a
26 debt owed or due, or asserted to be owed or due a creditor other than Defendant.
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1 10. Plaintiff's obligation, or alleged obligation, owed or due, or asserted
2 to be owed or due a creditor other than Defendant, arises from a transaction in
3 which the money, property, insurance, or services that are the subject of the
4 transaction were incurred primarily for personal, family, or household purposes.
5

6 11. Defendant uses instrumentalities of interstate commerce or the mails
7 in a business the principal purpose of which is the collection of any debts, and/or
8 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
9 or asserted to be owed or due another.
10

11 12. Within one (1) year preceding the date of this Complaint, Defendant
12 made and/or placed a telephone call to Plaintiff's cellular telephone number, in
13 effort to collect from Plaintiff an obligation, or alleged obligation, owed or due,
14 or asserted to be owed or due a creditor other than Defendant.
15

16 13. Within one (1) year preceding the date of this Complaint, Defendant
17 willfully and knowingly utilized an automatic telephone dialing system to make
18 and/or place a telephone call to Plaintiff's cellular telephone number, in effort to
19 collect from Plaintiff an obligation, or alleged obligation, owed or due, or asserted
20 to be owed or due a creditor other than Defendant.
21

22 14. Defendant, after having received written notice from Plaintiff dated
23 March 16, 2010 in which Plaintiff revoked any express permission to contact her
24

1 on her cellular phone, placed numerous non-emergency calls to Plaintiff's cellular
2 telephone, without the prior express consent of Plaintiff, using an automatic
3 telephone dialing system. (47 U.S.C. 227(b)(1)(A)(iii)).
4

5 15. Defendant, after having received written notice from Plaintiff dated
6 March 16, 2010 in which Plaintiff demanded that Defendant cease telephone
7 communications directed at Plaintiff, placed repeated and continuous calls to
8 Plaintiff's cellular telephone, with the intent to harass, annoy and/or abuse
9 Plaintiff. (15 U.S.C. §§ 1692c(c), 1692d(5)).
10
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12 16. Defendant's actions constitute conduct highly offensive to a
13 reasonable person, and as a result of Defendant's behavior Plaintiff suffered and
14 continues to suffer injury to Plaintiff's feelings, personal humiliation,
15 embarrassment, mental anguish and/or emotional distress.
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17

18 **COUNT I**

19 17. Plaintiff repeats and re-alleges each and every allegation contained
20 above.
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22 18. Defendant violated the FDCPA as detailed above.
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24 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

25 a) Adjudging that Defendant violated the FDCPA;

26 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
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1 in the amount of \$1,000.00;

2 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;

3
4 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
5 this action;

6
7 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
8 may be allowed under the law;

9
10 f) Awarding such other and further relief as the Court may deem just
11 and proper.

12 **COUNT II**

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14 19. Plaintiff repeats and re-alleges each and every allegation contained
15 above.

16
17 20. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and
18 knowingly utilizing an automatic telephone dialing system to make and/or place a
19 telephone call to Plaintiff's cellular telephone number.
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21 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

22 a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);

23
24 b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
25 227(b)(3)(B), in the amount of \$500.00 per violation;
26
27

- 1 c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
2 227(b)(3)(C), in the amount of \$1,500.00 per violation;
3
4 d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. §
5 227(b)(3)(B);
6
7 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
8 this action;
9
10 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
11 may be allowed under the law.

12 **TRIAL BY JURY**

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14 Plaintiff is entitled to and hereby demands a trial by jury.

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16 Respectfully submitted this 24th day of August, 2010.

17
18 s/Jon N. Robbins
19 Jon N. Robbins
20 WEISBERG & MEYERS, LLC
21 Attorney for Plaintiff
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